

16-JUN-2006 16:12 Von:CLARIANT PAT.DEPT. +49 6196 7578932 An:704 331 7707 S.2/7

PCT/EP2004/005458

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

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NOTIFICATION OF TRANSMITTAL
ON COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)
ON THE PATENT COOPERATION TREATY
(PCT Rule 44(h), 3(c) and 72.2)

Date of mailing (day/month/year)
27 April 2006 (27.04.2006)

Applicant's or agent's file reference
2003DE120

International application No.
PCT/EP2004/005458

To:

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Clariant Produkte (Deutschland) GmbH
Group Intellectual Property

Abteilung Vorg

Eing 04. Mai 2006

 WV ablegen vornehmen

IMPORTANT NOTIFICATION

International filing date (day/month/year)
21 May 2004 (21.05.2004)

Applicant:

CLARIANT GMBH et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Office.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KA

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume Q of the PCT Applicant's Guide for further details.

Authorized officer

Agnes Wittmann-Regis

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PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 40 and Rule 70)

Applicant's or agent's file reference 2003DE120	FOR FURTHER ACTION		See Form PCT/IPEA/I16
International application No PCT/EP2004/005458	International filing date (dd/mm/yyyy) 21.05.2004	Priority date (dd/mm/yyyy) 11.06.2003	
International Patent Classification (IPC) (or national classification and IPC)			
Applicant CLARIANT GMBH			

1 This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2 This REPORT consists of a total of 5 sheets, including this cover sheet. 3 This report is also accompanied by ANNEXES, comprising: a <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheet containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions) <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic copies) _____, containing a sequence listing and/or tables related thereto. In computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions)																	
4 This report contains indications relating to the following items: <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Response statement under Article 36(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input checked="" type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Response statement under Article 36(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII Certain observations on the international application																

Date of submission of the document	Date of completion of this report
Name and mailing address of the IPIA/EP	Authorized officer
Fax/Email No.	Telephone No.

Form PCT/IPEA/I10 (cover sheet) (January 2004)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No PCT/EP2004/005458
<p>Box No. I Basis of the report</p> <p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under the item:</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> International search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) <p>2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originals/filed" and are not counted in this report):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description: pages 1-20 as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims: nos. 6 (in part), 7-9 as originally filed/furnished</p> <p>nos.* _____ as amended (together with any amendment) under Article 19 24.11.2004 with letter _____</p> <p>nos.* 2-4, 6 (in part) received by this Authority on 02.12.2004</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings: sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing</p> <p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (spref/IV): _____ <input type="checkbox"/> any table(s) related to sequence listing (spref/IV): _____ <p>4. <input type="checkbox"/> This report has been established or if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)):</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (spref/IV): _____ <input type="checkbox"/> any table(s) related to sequence listing (spref/IV): _____ <p>* If item 4 applies, some or all of those sheets may be numbered "suppressed".</p>		

Form PCT/IPEA/410 (Box No. II) January 2004

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No : PCT/EP2004/005458
Box No. II	Priority	
<p>1 <input checked="" type="checkbox"/> This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:</p> <p><input checked="" type="checkbox"/> copy of the earlier application whose priority has been claimed (Rule 66 7(a))</p> <p><input type="checkbox"/> translation of the earlier application whose priority has been claimed (Rule 66 7(b))</p>		
<p>2 <input type="checkbox"/> This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64 1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.</p>		
<p>3 Additional observations, if necessary:</p>		

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PAGE 8/10 * RCVD AT 8/22/2006 9:49:39 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/13 * DNIS:2738300 * CSID:704 331 7707 * DURATION (mm:ss):01:46

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY			International application No PCT/EP2004/005458
Box No. V Required statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: Citations and explanations supporting each statement			
1. Specimen			
Novelty (N)	Claims	1-9	YES NO
	Claims		
Inventive step (IS)	Claims	1-9	YES NO
	Claims		
Industrial applicability (IA)	Claims	1-9	YES NO
	Claims		
2. Citations and explanations (Rule 70(2))			
1. This report refers to the following documents:			
D1: EP 1 122 286 A (SEIKO EPSON CORP), 8 August 2001 (2001-08-08)			
D2: WO 01/62859 A (FERN WILLIAM ALBERT; AVECIA LTD (GB); HOPPER ALAN JOHN (GB)), 30 August 2001 (2001-08-30)			
2. Document D1 discloses (the references in parentheses are to D1) a pigment dispersion containing 0.02 parts 2-methyl-4-isothiazolin-3-one, 0.08 parts 5-chloro-2-methyl-isothiazolin-3-one, and 0.32 parts 2-bromo-2-nitropropane-1,3-diol [0550] in Example 4-4. The masses in Example 1-1 contain approximately 800 ppm polyvalent metals [0651]. D1 does not describe a combination of the biocide mixture with a colourant containing a heavy metal complex.			
The application therefore meets the requirement of PCT Article 33(2).			
3. The application addresses the problem of precipitation phenomena that can appear when biocides are combined			

Form PCT/IPEA/IH2 (Box No. V) (January 2004)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/EP2004/005458
Box No. V	<u>Reexamined statement under Article 15(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>	
<p>with colourants containing heavy metals (see Table 1). This problem is not mentioned in any of the prior art documents, and the prior art does not contain anything to suggest the use of the claimed three-component biocide combination to solve such a problem.</p> <p>The application therefore also meets the requirement of PCT Article 33(3).</p>		

Form PCT/APP/0409 (Box No. VI) (January 2004)